THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No. 14576 of 2006

DATED: 03-08-2006

Between:

Smt Patibandla Ananthamma.

..Petitioner.

and

The Joint Collector, Krishna, Machilipatnam and others.

..Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14576 of 2006

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the order passed by the first respondent, vide proceedings Rc.No.B1/SRA/28/2005, dated 12-06-2006 in confirming the order of cancellation of authorization passed by the 2nd respondent, vide Rc.A.2006/2004, dated 24-10-2005 as illegal and arbitrary.

2. It seems the petitioner is a Fair Price Shop Dealer of Kudapa (v) Reddigudem Mandal, Krishna District. The Revenue Divisional Officer, Nuzivid, Krishna District-2nd respondent cancelled his authorization vide order, dated 24-10-2005. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector, Krishna, Machilipatnam-1st respondent. Though the 1st respondent initially stayed the proceedings of the 2nd respondent, the same was vacated thereafter without hearing the petitioner. Therefore, he had approached this Court and filed W.P.No.26970 of 2005. The said writ petition was allowed on 19-12-2005 and as a result, the stay of operation of the order passed by the 1st respondent dated 18-11-2005 was subsisting during the pendency of the appeal. However, the appeal itself was

disposed of on 12-06-2006 by the 1st respondent confirming the orders of the 2nd respondent, dated 24-10-2005. Aggrieved by the same, the petitioner though filed a revision on 18-7-2006 along with the stay petition, the stay petition is not yet disposed of. Since the stay petition has not been disposed of, some prejudice will be caused to the petitioner as he is continuing the business during the pendency of the appeal.

3. Learned counsel for the petitioner submitted that since the petitioner continued his business during the pendency of the appeal, the same arrangements may be provided even during the pendency of the revision also, as no alternative arrangements are made by the department as of now.

4. In view of the above, without expressing any opinion on merits, the 1st respondent, before whom the revision has been filed, is directed to dispose of the same within a period of four weeks from the date of receipt of a copy of this order and during the pendency of the revision, the petitioner shall be allowed to continue his business provided no other alternative arrangements are made by the authorities.

The Writ Petition is accordingly disposed of. No costs.

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C.V.RAMULU, J

Dated: 03-08-2006

sj